



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in Rajya Sabha on the 3rd August, 2018:—

I

BILL No. XIII OF 2018

A Bill to provide for universal health insurance and healthcare coverage to all citizens and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Universal Health Insurance and Healthcare Coverage Act, 2018. Short title and commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) ‘appropriate Government’ means, in the case of a State, the Government of that State, and in other cases, the Central Government.

(b) ‘Fund’ means the Universal Healthcare Fund constituted under section 6;

(c) “prescribed” means prescribed by rules made under this Act;

Central Government to provide Universal Health Insurance and Healthcare Services.

3. The Central Government shall ensure universal access to healthcare services for every citizen through health insurance in such manner as may be prescribed:

Provided that citizens who are covered under any health insurance scheme or such other healthcare services as may be notified, shall be excluded from the purview of this Act:

Provided further that no citizen shall be excluded from the purview of this Act only on the ground that he has any pre-existing disease.

Annual Health Insurance premium.

4. (1) The appropriate Government shall pay an annual health insurance premium in respect of all citizens covered under this Act, which shall entitle them to access universal healthcare services.

(2) Central Government shall cause the annual health premium to be collected in such manner as may be prescribed.

Committee to decide health insurance premium.

5. (1) The Central Government shall, by notification constitute a Committee to decide on the health insurance premium to be paid in respect of citizens covered under this Act for availing the universal healthcare services.

(2) The Committee shall consist of,—

(a) the Secretary in the Union Ministry of Health and Family Welfare, Chairman *ex-officio*; and

(b) the Principal Secretaries in-charge of the Department of Health and Family Welfare in the State Governments or such other officer as may be nominated by the State Government—*ex officio* Members; and

(c) such number of professional members to be appointed in such manner as may be prescribed, having experience in the field of insurance, actuarial science and medicine.

(3) The salaries and allowances payable to and other terms and conditions of service of the Members of the committee, shall be such as may be prescribed.

(4) In determining the amount of annual health insurance premium for any class of citizens, the Committee shall give due regard to the annual income of such class of citizens.

Universal Health Insurance and Healthcare Fund.

6. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Fund to be called as the Universal Health Insurance and Healthcare Fund.

(2) The Fund shall be under the control of the Central Government and there shall be credited thereto—

(a) any sums of money paid as annual health insurance premium under section 4;

(b) any sums provided by the Central Government to carry out the purposes of this Act; and

(c) such other sums as may be specified from time to time.

(3) The Fund shall be utilised by the Central Governments,—

(a) provide universal healthcare services as provided under this Act;

(b) augment medical infrastructure in areas where such infrastructure is inadequate;

- (c) take any steps to promote maternal health and child health;
- (d) create awareness regarding any disease afflicting any area; and
- (e) carry out such other activities as may be specified.

7. The Central Government shall, after due appropriation made by law by Parliament, provide requisite funds for the purposes of this Act, from time to time.

Central Government to provide funds.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

9. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Removal of the difficulties.

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

10. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A major constituent of United Nations Human Development Index (HDI) is a long and healthy life. Despite being among world's leading economies, India has just managed only recently to enter the club of mid-ranked countries in terms of HDI. This, to a large extent, is attributable to the lack of universal health services.

The widespread disparities of income and wealth in India account for a largely skewed distribution of healthcare facilities. On one hand, we have world class healthcare system led primarily by private corporate hospitals which cater to not just domestic patients, but attract patients from world over, in what has flourished as medical tourism in India. On the other hand, large sections of population have little or no access to even primary and secondary healthcare services. The stark differences in access to healthcare are clearly evident by the differences in healthcare indicators in vital statistics. For example, according to 2013 statistics, the Infant Mortality Rate in urban areas was 27. The corresponding figure for rural areas was 44, which is, by any yardstick, substantially higher (almost 63%) than the urban areas.

The Central Government, alive to this fact, came out with the National Health Policy, 2017 with the object to provide access to healthcare with focus on the equity aspect so that the poorest in the country get affordable healthcare facilities. The prime target of the Policy is the vulnerable section of society, including the poor and the tribals, who are not able to utilise healthcare facilities either because such facilities are not available at their place or, if these are available, the costs of healthcare services makes them beyond their reach.

With the broad object to achieve universalisation of access to affordable healthcare, the Bill seeks to—

- (i) provide that the Central Government shall ensure universal access to healthcare services for every citizen through health insurance;
- (ii) provide for payment of annual health insurance premium in respect of citizens covered under this Bill by the appropriate Government; and
- (iii) establish Universal Health Insurance and Healthcare Fund to achieve universal access to health insurance and healthcare and to promote healthcare services.

The Bill seeks to achieve the above objects.

NARAYAN LAL PANCHARIYA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall pay annual health insurance premium for all citizens wherein burden in respect of UTs will fall on Central Govt. Clause 5 provides for salaries and allowance payable to and other terms and conditions of service of the members of the Committee. Clause 7 provides that the Central Government shall, after due appropriation made by law by Parliament, provide requisite funds for the purposes of this Bill.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. The recurring and non-recurring expenditure on this count cannot be estimated at this stage, but has to be worked out by the Central Government while implementing the provisions of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to frame rules by notification in the Official Gazette, to carry out the provision of the Bill. The rules to be framed by the Government pertain to matters of administrative detail, which cannot be laid down in the Bill itself. The delegation is, therefore, normal in character.

II

BILL NO. XIX OF 2018

A Bill to provide for an institutional mechanism for identification of illegal immigrants in the country and their deportation and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short
title and
commencement.

1. (1) This Act may be called the Illegal Immigrants Identification and Deportation Act, 2018.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'appropriate Government' means, in the case of a State, the Government of that State, and in other cases, the Central Government.

(b) "illegal immigrant" means a foreign national who comes to India without any visa or proper and valid documents issued by the designated authority of the Government of India and settles or attempts to settle in India in the garb of bonafide Indian citizen by obtaining ration card and other government documents by fraudulent means;

(c) 'National Commission' means the National Commission for Identification and Deportation of Illegal Immigrants constituted under Section 3 of the Act;

(d) 'State Commission' means the State Commission or a Joint State Commission for identification and deportation of illegal immigrants constituted under section 6 of the Act;

(e) "prescribed" means prescribed by rules made under this act;

3. The Central Government shall, by notification in the official gazette, constitute a Commission to be known as the National Commission for Identification and Deportation of Illegal Immigrants for carrying out the purposes of this Act.

National Commission for Identification and Deportation of Illegal Immigrants.

4. (1) The National Commission shall consist of—

Composition of National Commission.

(i) a Chairperson who shall be a retired Judge of the Supreme Court, to be appointed by the President of India in such manner as may be prescribed; and

(ii) four other members to be appointed by the President of India in such manner as may be prescribed.

(2) The Chairperson and other members shall hold office for a term of five years or till they attain the age of seventy years and shall be entitled to such salaries and allowances as may be determined by the Central Government.

5. (1) The Central Government shall provide the National Commission with such officers and other employees as may be necessary for the efficient functioning of the National Commission under this Act.

Officers and other employees of National Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the national Commission shall be such as may be prescribed.

6. The Central Government shall set up a State Commission for each State or a Joint State Commission for two or more States for identification and deportation of illegal immigrants.

Setting up of State Commissions.

7. (1) Every State Commission shall consist of,—

Composition of State Commission.

(i) a Chairperson who shall be a retired Judge of the High Court; and

(ii) four other members.

(2) The Chairperson and other members of the State Commission shall be appointed by the Central Government in consultation with the Chairperson of the National Commission in such manner as may be prescribed.

(3) The Chairperson and other members of the State Commission shall hold office for a term of five years or till they attain the age of seventy years and shall be entitled to such salaries and allowances as may be determined by the Central Government.

Officers and other employees of State Commission.

8. (1) The State Government shall provide the State Commission with such officers and other employees as may be necessary for the efficient functioning of the State Commission under this Act.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the State Commission shall be such as may be prescribed.

Identification and deportation of illegal immigrants.

9. (1) Every State Commission shall—

(i) carry out necessary exercise to identify illegal immigrants and their nationality within the areas under their jurisdiction; and

(ii) prepare a list of illegal immigrants and supply it to—

(a) the National Commission; and

(b) the district administration, which shall publish such list in the official gazette:

Provided that an appeal against the inclusion of the name of an individual in the list of illegal immigrants by the State Commission shall be made before the National Commission within ninety days of publication of the said list in the official gazette.

(2) The National Commission shall take necessary action for deportation of illegal immigrants named in the list of illegal immigrants supplied by the State Commission;

Power of Central Government to exempt certain immigrants.

10. The Central Government may, if it considers so in national interest, exempt any illegal immigrants or any class of illegal immigrants from deportation or any other provisions of this Act.

National Commission and State Commission to have powers of civil court.

11. (1) The National Commission and the State Commission shall, for the purposes of discharging its functions under this Act, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) subject to the provisions of section 123 and section 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office;

(e) issuing summons for the examination of witnesses or documents; and

(f) any other matter which may be prescribed.

(2) No court, except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution shall entertain any suit, application or other proceedings in respect of any order made by the National Commission and the State Commission.

Power of National Commission to direct State Governments.

12. The National Commission may direct the respective State Government to:—

(i) stop all assistance or benefits being enjoyed by the illegal immigrants immediately;

(ii) impound the ration card in the possession of illegal immigrants;

(iii) terminate the services of illegal immigrants, in case such immigrants are employed in any public sector organisation and inform persons concerned in case they are employed in private sector;

(iv) seize and dispose of any movable or immovable property owned by illegal immigrants and take such necessary action to recover loans, if any, borrowed by them; and

(v) facilitate speedy hearing of any civil or criminal cases against illegal immigrants.

13. The Central Government shall, after due appropriation made by law by Parliament, provided requisite funds for the purposes of this Act, from time to time.

Central Government to provide funds.

14. The Provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

15. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Removal of Difficulties.

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

16. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Historically, India has attracted people from all corners of the world. Many were so smitten with the greatness of our culture that they chose to settle here permanently and over time they have been assimilated into the Indian society. However, in the recent few decades, illegal immigration into the country has increased manifold so much so that the influx of immigrants created a crisis of identity among the indigenous citizens of our country. As a result, the cultural survival of citizens is in jeopardy, their political control is weakened and their employment opportunities are undermined by such illegal migration. It is found that though the immigrants had settled in various States of our country, most of them failed to identify themselves with the mainstream.

Due to linguistic similarities between illegal migrants from Bangladesh, Myanmar and other neighbouring countries and the indigenous people, it becomes difficult to identify and deport the illegal immigrants from Indian soil. Illegal immigrants have increased pressure on resources of our country and the Government has to increase expenditure on education and health facilities. Illegal immigrants are not only adding number to our booming population but are indulging in criminal and anti-national activities. Most of the illegal immigrants have got their names enlisted in the voting list illegally, thereby claiming the rights of citizens. The NRC (National Register of Citizens) has taken initiatives for the detection of illegal migrants. However, success of such initiatives will depend on strong political will. This silent and insidious demographic invasion may result in the loss of the geo-strategic importance of several bordering districts in the States of Assam, Tripura, Jammu and Kashmir, West Bengal and other States. The influx of these illegal migrants is turning these regions into such ghettos where the original inhabitants have been reduced to a minority and are facing an identity crisis.

In view of the dangers posed by illegal immigrants, the problem is required to be dealt effectively. Illegal migration from neighbouring countries is no longer a regional problem which can be pushed under the carpet since these migrants have now settled in several States including the NCT of Delhi, Madhya Pradesh and Maharashtra.

Since we do not want our country to become world's capital of refugees and immigrants, it is high time to solve the problems of illegal migration to save culture and identity of our people in their own land and to save the nation from the momument threat of immigrants.

With the above objectives, the Bill seeks to —

(i) establish a National Commission and State Commissions for Identification and Deportation of Illegal Immigrants;

(ii) provide that the State Commission shall carry out necessary exercise for identification of illegal immigrants;

(iii) provide that Appeal against inclusion of an individual's name in the list of illegal immigrants shall lie with the National Commission;

(iv) provide that the illegal immigrants identified by the State Commission shall be deported by the National Commission;

(v) provide that the Central Government may, if it considers so in national interest, exempt any illegal immigrants or any class of illegal immigrants from deportation or any other provision of the Bill.

(vi) confer powers of civil court upon both the National Commission and the State Commission; and

(vii) empower the National Commission to direct the State Governments to withdraw all services provided to illegal immigrants and seize and dispose of their property to meet their liabilities;

The Bill seeks to achieve the above objects.

NARAYAN LAL PANCHARIYA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for Constitution of the National Commission for Identification and Deportation of Illegal Immigrants. Clause 4 seeks to provide for appointment of a Chairperson and other members of the National Commission.

Clause 13 of the Bill provides that the Central Government shall, after due appropriation made by law by Parliament, provide requisite funds for the purposes of this Bill.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. The recurring and non-recurring expenditure on this count cannot be estimated at this stage, but has to be worked out by the Central Government while implementing the provisions of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to frame rules by notification in the Official Gazette, to carry out the provision of the Bill. The rules to be framed by the Government pertain to matters of administrative detail only, which cannot be laid down in the Bill itself. The delegation is, therefore, normal in character.

III

BILL NO. XX OF 2018

A Bill further to amend the Information Technology Act, 2000.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Information Technology (Amendment) Act, 2018.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new sections
67BA and
67BB.

2. In the Information Technology Act, 2000 (hereinafter referred to as the principal Act), after section 67B, the following sections shall be inserted, namely:—

Punishment for
publishing or
transmitting
material
repugnant to
cultural ethos.

“67BA. Whoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is repugnant to well established cultural ethos, shall be punished on first conviction with imprisonment of either description for a term which may extend to six months and with fine which may extend to two lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to two years and also with fine which may extend to five lakh rupees.

Provided that any material shall not be deemed to be against cultural ethos merely on the ground that it goes against or contradicts an established practice or custom.”

“67BB. Whoever hosts any online gaming resource which induces users to commit—

Punishment
for hosting
dangerous
online gaming
resource.

(a) dangerous acts which are harmful to such users or others; or

(b) acts which cause injury to themselves or others; or

(c) any illegal act;

shall be punished on first conviction with imprisonment of either description for a term which may extend to one year and with fine which may extend to two lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to three years and also with fine which may extend to five lakh rupees.”

3. In the principal Act, after Chapter XIIA, the following Chapter shall be inserted, namely—

Insertion of
new Chapter
XIIB.

“CHAPTER XIIB

SPECIAL PROVISIONS RELATING TO ONLINE GAMING

“79B. Whoever hosts an online gaming resource or produces any storage media containing a gaming resource to be sold offline, shall ensure that—

Special
provisions for
gaming
resources.

(a) the game resource is categorised for use by appropriate age group on the basis of game contents; and

(b) there is a suitable mechanism within the game resource to warn the users against repeating the dangerous acts, if any, shown in the game in their real lives.”

STATEMENT OF OBJECTS AND REASONS

The information technology has been the biggest change that has been brought in human life during the last few decades. It has touched every aspect of our lives and changed the way we live. With the advent of smartphones, the information technology has reached the hands of each and every individual. However, information technology is not an unmixed blessing.

In the last few months, we witnessed a series of incidents where children were doing dangerous act just to complete task given in a game called Blue Whale Challenge. Soft minds of children were completely captured by the game and they were tasked to do acts such as carving figure on arm, inflicting injury on self and eventually committing a suicidal act. Not just worldwide, in India too a number of children lost their lives while attempting Blue Whale tasks. Mindful of the dangers posed by this trend, the Central Government did sensitise administration and schools. As a result, we were able to rescue a number of children from the clutches of this fatal game.

Still, there are many games in public domain which involve a lot of violent and pernicious acts. Therefore, it is necessary that adequate safeguards are placed in law to protect players of such games, especially children, from any undesirable effects of these games.

Another worrisome aspect about what is being offered over internet is that it militates against the cultural ethos of the country which we have valued and preserved for centuries. Today, our children and youth are exposed to all kinds of literature, videos, etc. that are repugnant to our cultural values and tend to undermine them. If we are to protect our great cultural ethos, we must act now to protect our children and youth from all kinds of cultural invasions over the internet.

With the above objects in consideration, the Bill seeks to amend the Information Technology Act, 2000 to provide adequate safeguards against dangerous gaming resources and online material that militate against our cultural values and ethos.

The Bill seeks to achieve the above objects.

NARAYAN LAL PANCHARIYA

IV

Bill No. XXIX of 2018

A Bill to make special provisions for the National Capital Territory of Delhi for a period upto the 31st day of March, 2020 and for matters connected therewith or incidental thereto.

WHEREAS the Master Plan for Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

AND WHEREAS the Master Plan for Delhi with the perspective for the year 2021 specifically acknowledges the need for permitting use of land for purposes other than that for which it was originally envisaged and lays down the conditions under which this may be applied in different situations;

AND WHEREAS a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of commercial activities in residential areas in accordance with the Master Plan for Delhi, 2021, and is being implemented;

AND WHEREAS based on the policy finalised by the Central Government regarding categorisation of colonies, mixed land use and its extension, the guidelines and regulations for this purpose have been issued;

AND WHEREAS in pursuance of the guidelines and regulations necessary steps are being taken for regularisation of unauthorised construction for commercial activities in residential areas which, *inter alia*, involve scrutiny of layout plans, assessment of built up percentage existed as on the 31st day of March, 2002, identification of mixed use of land, approval of layout plans, fixation of boundaries and changes in land use;

AND WHEREAS more time is required for dealing with the situation arising out of unauthorised construction in residential areas for commercial activities keeping people of the National Capital Territory of Delhi in mind;

AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 was enacted on the 5th day of December, 2007 to make special provisions for the areas of the National Capital Territory of Delhi for a period up to the 31st day of December, 2008 which ceased to operate after the 31st December, 2008 and the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009 was enacted in continuation of the aforesaid Act for a period up to the 31st day of December, 2009 followed by the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2009 enacted in continuation for a period up to the 31st day of December, 2010;

AND WHEREAS is expedient to have a law in terms of the Master Plan for Delhi, 2021, in continuation of the said Act for a period up to the 31st day of March, 2020 to provide for temporary relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,
extent,
commencement
and duration.

1. (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Act, 2018.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall be deemed to have come into force on the day of its notification.

(4) It shall cease to have effect on the 31st day of March, 2020, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "building bye-laws" means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, relating to buildings;

(b) "Delhi" means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957;

(c) "sealing" means shutting down of unauthorised constructions for commercial use in residential areas by way of prohibiting all economic activity;

(d) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction;

(e) "Master Plan" means the Master Plan for Delhi with the perspective for the year 2021, notified *vide* notification number S.O.141(E), dated the 7th day of February, 2007 under the Delhi Development Act, 1957;

(f) "notification" means a notification published in the Official Gazette;

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) "relevant law" means in case of—

61 of 1957.

(i) the Delhi Development Authority, the Delhi Development Act, 1957;

66 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and

44 of 1994.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994;

(l) "unauthorised development" means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

61 of 1957
66 of 1957
44 of 1994

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of sealing of unauthorised constructions in the form of commercial enterprises in residential areas, as mentioned below:—

Enforcement
to be kept in
abeyance.

(a) orderly arrangements for regularisation and rehabilitation of unauthorised commercial establishments in residential areas in the National Capital Territory of Delhi in accordance with the provisions of the Master Plan for Delhi, 2021 to ensure its development in a sustainable, planned and humane manner;

(b) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised constructions, as existed on the 1st day of January, 2006, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(c) policy regarding existing residences involving construction for commercial use beyond permissible building limits; and

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, status quo—

(i) as on the 1st day of January, 2006 in respect of unauthorised development;

(ii) in respect of unauthorised construction for commercial activities in residential areas, which existed on the 31st day of January, 2006 and where construction took place even beyond that date and up to the 8th day of February, 2007, mentioned in sub-section (1),

shall be maintained.

(3) All notices issued by any local authority for initiating action against or unauthorised construction referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of March, 2020.

Provision of this Act set to apply in certain cases.

Power of Central Government to give directions.

Validation of acts done or omitted to be done, etc. during 12th March, 2018 upto the date of commencement of this Act.

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the encroachment on public land except in those cases which are covered under clauses (a), (b) and (c) of sub-section (1) of section 3;

5. The Central Government may, from time to time, in consultation with the Government of National Capital Territory of Delhi issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

6. Notwithstanding any judgment, decree or order of any court, all things done, or, omitted to be done, and all action taken, or, not taken, during the period beginning on or after the 12th day of March, 2018 and ending immediately before the date of commencement of this Act, shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under these provisions as if such provisions were in force at the time such things were done or omitted to be done and action taken or not taken during the aforesaid period.

STATEMENT OF OBJECTS AND REASONS

A situation has arisen in National Capital Territory of Delhi with the sealing activity leading to loss of economic activity and livelihood of people including daily wage workers. The economic ecosystem has collapsed as large sections of people dependent directly or indirectly on commercial establishments being targeted by sealing drive have suffered avoidable hardships and irreparable loss. Worst affected are daily wage earners and marginal shopkeepers whose lives are increasingly getting defined by uncertainty, insecurity and poverty rooted in whimsical policymaking and lax implementation.

There is no unified underlying criteria for sealing as even family-run establishments operating for decades, some of them existing before any regulatory framework got into play are being sealed. Almost Rupees 4,000 Crore, collected as conversion charges on the direction of the Honourable Supreme Court for the development of local area, has not been used to provide temporary relief to minimise hardships and undertake development work. Economic activity in National Capital Territory of Delhi has taken a setback as traders, workers and other allied individuals are unable to experience a conducive climate of doing business. Instead, the regulations, fines and punitive measures have adversely affected individuals involved in all kinds of commercial activity. In some instances, establishments have been sealed despite paying conversion charges. If continued, sealing might result into deterioration of law and order situation on account of rising discontent among the people and may result in violent outbreaks of anger which must be stopped through sound, far-reaching and humane legislation.

This Bill seeks to exempt the category of people affected by sealing going on currently in order to lay down measures for immediate relief to affected citizens.

Hence, this Bill.

SANJAY SINGH

V

Bill No. XXIV of 2018

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short Title,
and
Commencement.

1. (1) This Act may be called the Constitutional (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of Article 19.

2. In Article 19 of the Constitution,

(i) in clause (2) the words "the sovereignty and integrity of India" shall be omitted.

(ii) in clauses (3) and (4) the words " the sovereignty and integrity of India or" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Article 19 being an important fundamental right provides for our right to freedom. It constitutes a part of our basic human rights. Article 19 is also of great significance as it provides for those rights which are necessary in a democratic system such as ours. Any limitations placed on this right should be provided for by law and should meet a high standard of necessity. Being provided for by law, the expression used to restrict human rights should be precise, clear and the implication of which should be sufficiently foreseeable. The terms used to restrict the right must be narrowly defined.

The restrictions to such basic rights if governed by vague terms will allow for the arbitrary and unnecessary interference of these rights and will amount to a violation of the individual's basic human right. It will allow for an unnecessarily overbroad scope for enforcement, infringing the person's rights. Such laws need to be removed in order to protect the rights of the people and the same was iterated by the Supreme Court in the case of *Shreya Singhal v. Union of India* (2015).

The term "*the sovereignty and integrity of India*" was never part of the original text of the constitution and was added much later in 1963 by the Constitution (Sixteenth Amendment), Act. The original drafters had provided for ample and adequate restrictions upon each of the rights. The use of such superfluous language cannot be permitted for legislative purposes especially with regard to determining the limitations upon the fundamental right. Thereby in light of ensuring the protection of the right to freedom of the citizens, in furtherance of democratic values and upholding the principles of law, the vague term employed in the article requires to be removed.

Hence, this Bill.

V. VIJAYASAI REDDY

VI

Bill No. XXVI of 2018

A Bill further to amend the Indian Penal Code, 1860 and Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short,
title and
commencement.

1. (1) This Act may be called the Criminal Law (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section
497.

2. For section 497 of the Indian Penal Code 1860, the following section shall be substituted, namely:—

5 of 1860.

“497. Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the spouse of another person, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.”.

2 of 1974.

3. In section 198 of the Code of Criminal Procedure, 1973,—

Amendment of
section 198.

(i) in sub-section (2), the words and figure “section 497 or” shall be omitted.

(ii) after sub-section (2), the following shall be inserted, namely:—

(3) “For the purposes of sub-section (1), no person other than the spouse shall be deemed to be aggrieved by any offence punishable under 497 of the said Code.”

STATEMENT OF OBJECT AND REASONS

The provisions with regard to the offence relating to marriage seek to protect the sanctity of marital ties in society. Section 497 of the Indian Penal Code (IPC) is such a provision that criminalizes adulterous relationships. The IPC which was drafted in 1860 was based on archaic notions of morality that existed in those periods where women were seen to be inferior to men. In particular, married women were considered to be the property of the husband. These notions of morality and marital relations manifested itself as penal provisions in the code.

Such laws, violative of equality and based on an age old sense of morality need to be changed. Section 497 of the IPC exists in violation of the basic principles of equality as well as of human dignity. Under the section, it is only the husband who can prosecute another man for having an adulterous relationship with his wife. The wife is seen as a property in the dispute matter and is absolved from any liabilities in the matter. Furthermore, the section also provides for an illicit sexual relationship to be legal if the husband has consented to the wife's sexual relationship with another man. The wife's sexuality and actions are subjected to the will of the husband by means of this section. The section fails to provide women with the necessary right to send their husbands to court on the grounds of adulterous relationship.

These patriarchal concepts which exist in the statute controlling the behaviour of women must be removed. The sanctity of marriage is to be maintained through the means of gender equality and not on discriminatory grounds. The section cannot be said to be in protection of women when it views women as mere objects of possession in the hands of their husbands. It is necessary to bring about changes in such old laws to protect the autonomy and dignity of women in a social institution such as marriage.

The Supreme Court had in the case of *Sowmithri Vishnu v. Union of India* (1985) while dealing with the constitutional validity of the Section stated that it is for the legislature to decide the policy of law with respect to adultery. A three judge bench of the Supreme Court while dealing with a petition regarding section 497 (*Joseph Shine v. Union of India*) had opined in its order the absence of gender equality in the criminal provision and stated that the time has come for society to realise that a women is equal to a man in every field.

Hence, the present Bill, accordingly, seeks to amend section 497 of the Indian Penal Code and the Section 198 of the code of Criminal Procedure, 1973.

V. VIJAYASAI REDDY

VII

Bill No. XXVIII of 2018

A Bill to provide for the protective measures to the agricultural and other rural workers against exploitation and for ensuring minimum wages, pension, provident fund facilities and financial compensation with paid leave in case of accidents, medical, maternity and creche facilities to women workers, education and nutrition for the children and such other welfare measures to be ensured by the state and for the establishment of a Welfare Authority and Welfare Fund for such workers of the rural areas and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural and Other Rural Workers (Protection and Welfare) Act, 2018.

(2) It extends to the whole of India

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:—

(a) "agricultural worker" means a person who works as a labourer on being hired or works in exchange, whether in cash or kind or partly in cash and partly in kind, in any of the agricultural or related operations of an employer, farmer or other person, as the case may be;

(b) "appropriate Government" means in the case of a state, the Government of

Short,
title extent
and
commencement.

Definitions

that state and in all other cases, the Central Government;

(c) "Authority" means the National Agricultural and other Rural Workers Welfare Authority established under Section 3;

(d) "employer" means any person who employs directly or through any other person or agent or contractor, whether on his own behalf or on behalf of any other person, one or more agricultural or other rural worker, for any work or work connected with the agricultural or horticulture operations or for any other work connected with village industries;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "rural worker" means a worker who works as artisan, weaver, potter, blacksmith, etc. in rural areas on hire or contract or in exchange whether in cash or kind or partly in cash and partly in kind for any other person or employer;

(g) "Welfare Fund" means the Agricultural and other Rural Workers Welfare Fund established under section 5.

Establishment
of the National
Agricultural
and other Rural
Workers
Welfare
Authority.

3. (1) The Central Government shall, as soon as may be, for carrying out the purposes of this Act, by notification in the Official Gazette, establish the National Agricultural and other Rural Workers Welfare Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common Seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at Lucknow in the State of Uttar Pradesh and the Authority may establish regional and branch offices at other conspicuous places in the country as it may deem necessary for carrying out the purposes of this Act.

(4) The Authority shall consist of the following members, namely:—

(a) a Chairperson to be appointed by the Central Government having adequate experience, qualifications and knowledge of labour laws and issues related to working class or of agricultural operations or of the higher Judiciary at least of sessions level;

(b) a Deputy Chairperson to be appointed by the Central Government having such education qualifications and experience as may be prescribed;

(c) five members to be appointed by the Central Government each to represent the Union Ministries of Agriculture, Finance, Labour and Employment, Rural Development and Social Justice and Empowerment;

(d) five Members of Parliament of whom three shall be from Lok Sabha and two from the Rajya Sabha to be nominated by the respective Presiding officers of the two Houses;

(e) four members to be appointed by the Central Government from amongst the agricultural and other rural workers:

Provided that one such member shall be a woman.

(f) four members from amongst the agricultural and other rural workers to be nominated by the Government of the States which shall be rotated amongst the States in alphabetical order.

(5) The term of office, remuneration, honorarium and other perks of the Chairperson, Deputy Chairperson and members of the Authority shall be such as may be prescribed from time to time;

(6) The Authority in discharging of its functions and procedure to be followed during the meetings shall be such, as may be prescribed.

(7) The Authority shall have a Secretariat with such number of officers and other staff with such terms and conditions of service as may be prescribed from time to time.

4. (1) The authority shall, for the purpose of this Act, promote and undertake by such measures as it thinks fit or deem necessary and expedient, welfare measures so as to provide protective measures to agricultural and rural workers from exploitation.

Functions of
the Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1) the measures referred to therein may provide for: —

(a) maintaining district and village-wise register of all the agricultural and other rural workers, gender-wise, with such particulars, and in such manner as may be prescribed;

(b) maintaining land records and micro and small industrial units at homes or other places from village to district level in such manner and with such details as may be prescribed;

(c) maintaining district and village-wise register of employers of agricultural and other rural workers, as the case may be, with such particulars and in such manner as may be prescribed;

(d) maintaining village and district-wise list of doctors, dispensaries, clinics, health centres and hospitals for providing medicare facilities, both indoor and outdoor, with medicines to the agricultural and other rural workers;

(e) long term action plan for making work available throughout the year to the agricultural and other rural workers;

(f) payment of minimum wages fixed by the appropriate Government by each employer by setting up grievances redressal committees at conspicuous places;

(g) maternity and creche facilities with paid maternity leave and for making available necessary medicines, iron and multi vitamin capsules for the female agricultural and other rural workers covered under this Act;

(h) financial compensation with paid leave in case of accidents of agricultural and other rural workers in such manner as may be prescribed;

(i) grant of old age pension to the agricultural and other rural workers covered under this Act;

(j) provident fund facility to the agricultural and other rural workers;

(k) educational and vocational training facilities to the children of agricultural and other rural workers free of cost;

(l) insurance cover for the agricultural and other rural workers covered under this Act for such works and in such manner as may be prescribed;

(m) regular supply of meals and nutrition for the children, old and incapacitated agricultural and other rural workers;

(n) such other provisions as the Authority may deem necessary for carrying out the purposes of this Act.

5. (1) The Central Government shall, as soon as may be by notification in the Official Gazette, establish the Agricultural and other Rural Workers Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government by due appropriation made by Parliament by law in this behalf and Governments of the States shall contribute to the Welfare Fund to such extent and in such manner as may be prescribed.

Establishment
of the
Agricultural
and other
Rural Workers
Welfare Fund.

(2) The Welfare Fund may also receive moneys from body corporates, financial institutions, both domestic and international ones, firms, partnerships, individuals and other bodies in the form of contributions or donations, as the case may be.

(3) The Welfare Fund shall be utilized for the welfare of agricultural and other rural workers covered under this Act in such manner and for such purposes as may be prescribed.

Miscellaneous provisions.

6. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of every employer to:—

(a) engage only such workers who have registered themselves with the Authority;

(b) pay minimum wages to the workers engaged by him or such wages in cash or kind as may be voluntarily agreed to by such workers;

(c) not to deduct the wages in case of accident or illness or maternity stage of his workers; and

(d) give rest and leave to his workers from time to time.

(2) The appropriate Government shall provide necessary assistance to the Authority in carrying out the provisions of this Act within the territorial Jurisdiction of such Government.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law made in this behalf, provide from time to time the requisite funds to the States and Union Territories and for expenditure of the Secretariat and other purpose of this Act.

Annual Report.

8. The Authority shall prepare and submit an Annual Report in such manner and in such form as may be prescribed, of its activities, achievements and shortfalls, if any, pertaining to the welfare and protection of agricultural and other rural workers covered under this Act to the President of India, who shall cause the Report to be laid in both Houses of Parliament along with action taken by the Central Government thereon after its receipt, as soon as may be, but within three months of the receipt thereof.

Penalty.

9. Notwithstanding anything contained in any other law for the time being in force, whoever contravenes any of the provisions of this Act shall be guilty of an offence and shall be punishable with simple imprisonment which may extend to six months and also with fine which may extend to four lakh rupee.

Act to have overriding effect and to supplement other laws

10. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to any matter dealt with by this Act.

Power to make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In India, the agriculture sector generates maximum employment opportunities in comparison to other sectors of economy. As a result, crores of agricultural workers in the country including women constitute a major chunk of this workforce. Similarly, there are village industries which also provide substantial employment opportunities in rural India. However, the agricultural and rural workers are still unorganised and, as a result, they remain exploited throughout their lives. It has been observed that in the organised sectors there are trade unions and associations to take care and protect the interests of their workers who get their genuine demands fulfilled by their employers and also get the welfare measures implemented but the unorganised agricultural and rural workers do not even get their reasonable and just demands fulfilled by their employers. They are denied minimum wages, provident fund, pension, maternity benefits, *creche* facility, medical care, accident insurance, rest, leave, etc. There is no guarantee of work round the year or for majority of days during the year. Policy of hire and fire is applied at the whims and fancy of the employers. As a result the agricultural and other rural workers remain exploited, poverty-stricken and indebted throughout their lives. When there is natural calamity, their living condition goes from bad to worse and they do not even get two square meals a day. It is a matter of serious concern that their condition is going from bad to worse and there is no legal protection for these hapless workers. Though the centre has initiated a legislation for unorganized workers but it does not cover most of the issues of the agricultural and other rural workers.

Ours is a welfare state and it is the sacred duty of the state to protect the poor agricultural and other rural workers by extending protective umbrella to them and initiating welfare measures for them so that they too get their share of the development of the nation.

Hence this Bill.

AMAR SHANKAR SABLE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Agricultural and other Rural Workers Welfare Authority. Clause 5 of the Bill provides for the establishment of the Agricultural and other Rural Workers Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government and thereafter, the Central and State Governments will contribute to the welfare fund. Clause 7 makes it obligatory for the Central Government to provide funds for carrying out the purposes of the Bill. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees thirty thousand crore may involve as recurring expenditure per annum.

A sum of rupees five thousand crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VIII

Bill No. XXXI of 2018

A Bill to provide for the formulation and implementation of a comprehensive national policy for ensuring overall development of the youth belonging to Scheduled Castes, Scheduled Tribes and those from Other Backward Classes and oppressed categories from the religious and linguistic minorities and for their welfare to be undertaken by the State and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Downtrodden, Backward and Oppressed Youth (Development and Welfare) Act, 2018.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "backward" means those youth who belong to castes which have been declared, by notification in the Official Gazette, as backward by the appropriate Government from time to time;

(c) "downtrodden youth" means the youth belonging to Scheduled Castes and Scheduled Tribes not provided with opportunities;

(d) "oppressed youth" means the youth who have been cruelly or unjustly treated in the society due to faith or religion, caste or creed or language or have been oppressed with poverty as such;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "youth" means any person who has attained the age of eighteen years but is not above the age of thirty-five years.

National policy for the downtrodden, backward and oppressed youth.

3. (1) The Central Government shall, as soon as may be, formulate a comprehensive national policy for the overall development and welfare of the downtrodden, backward and oppressed youth of the nation for implementation throughout the country.

(2) Without prejudice to the generality of the provisions of sub-section (1) of Section 3, the national policy referred to therein may provide for;

(a) free higher education, including medical, technical and information technology;

(b) free coaching training for admission to management courses with assured admission in management institutes of repute;

(c) books, stationery, equipments and educational gadgets free of cost;

(d) scholarships in deserving cases;

(e) free hostel facilities;

(f) free public transport facilities;

(g) monthly pocket expenses allowances at such rate as may be prescribed;

(h) free entertainment facilities;

(i) free access to all libraries and technical institutions;

(j) training in sports to every eligible youth covered under this Act and facilities and appropriate incentives to participate in sports activities, events and tournaments in and outside the country;

(k) provision for free of cost healthy and nutritious meals to all the youth covered under this Act in the schools, colleges, universities, hostels and technical institutions;

(l) free medical and healthcare;

(m) providing modern apprenticeship in business, trade, vocation etc., in factories and commercial establishments;

(n) providing military training to physically fit youth covered under this Act and those successfully completing training to be given preference for recruitment in defence services;

(o) free of cost coaching and study material for all India Services and other competitive examinations which are conducted by Union Public Service Commission, State Public Service Commissions and other examination bodies such as of Railways, Banks Staff Selection Commission and other bodies of the Government at the Centre, States and Union Territories;

(p) such other facilities, incentives and welfare measures as may be prescribed from time to time.

4. It shall be the duty of every appropriate Government to implement in letter and spirit the national policy formulated under this Act. Appropriate Government to implement national policy.
5. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall provide gainful employment to the youth covered under this Act as per their ability and qualification after completing their education or training, as the case may be, and in case that Government fails to provide them employment, the youth shall be paid unemployment allowance on monthly basis at such rate as may be prescribed by the Central Government until they are given gainful employment. Employment and unemployment allowance.
6. (1) The appropriate Government shall appoint such number of expert committees in the capital of every State and Union Territory and in every district as it may deem necessary for carrying out the purposes of this Act comprising renowned educationists and psychologists and others to recommend some trade or vacation related education or training to be imparted to the youth covered under this Act after passing their Secondary or Matriculation examination. Miscellaneous provisions
- (2) The appropriate Government shall establish such number of youth hostels on the lines of international youth hostels at conspicuous places in the country for the youth covered under this Act as it may deem necessary for the purposes of this Act.
- (3) The appropriate Government shall promote youth cooperatives at villages and district levels for establishing their village industries ventures, dairy projects, food processing, poultry, fair price shops, LPG distribution, etc. and provide requisite financial assistance and guidance to them for procuring raw materials and promoting marketing, etc.
- (4) The appropriate Government shall ensure the availability of requisite credit at nominal rate of interest from the Banks and other Financial Institutions to the youth covered under this Act for their self employment projects.
- (5) The appropriate Government shall extend such welfare measures to the youth covered under this Act as that Government may deem appropriate and necessary for carrying out the purposes of this Act.
7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act. Central Government to provide requisite funds.
8. The Central Government may by notification in the Official Gazette, make rules for to carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The youth are always at the centre stage of socio-political activities in our nation. To maintain this strength, a clear cut youth policy is required to rid the youth of problems relating to education, poverty, nutrition, employment opportunities, self employment, vocational training, health, sports, etc. The country at present has no institutional mechanism to harness the potential of our youth and channelise their energy for the betterment of the country. The plight of the youth belonging to downtrodden communities such as Scheduled Castes, Scheduled Tribes and Other Backward Classes (OBCs) who have been oppressed for centuries is even worse. Even today the downtrodden youth have to face social ostracisation. Though thanks to the reservation policy propounded and given by the messiah of the downtrodden Babasaheb B.R. Ambedkar, many of them have made some progress but the downtrodden youth still require special attention because there is a need to instill a sense of belonging among the downtrodden, backward and oppressed youth of the nation by providing them all opportunities for their overall development so that they too contribute to the progress of the country to their full potential. The facilities and opportunities should be provided as a matter of right. Good education should be their right and it should not be a privilege of the elite only. Employment needs to be guaranteed to them and if employment opportunity is not provided they have to be given unemployment allowance. They have to be linked directly with the production processes by eliminating the disparities between the rural and urban downtrodden youth. For this a comprehensive national policy for the downtrodden backward and oppressed youth should be in place to ensure their all round development which is the need of the hour and an absolute necessity. The state has to extend welfare measures for them and enable them to fight against fanaticism, fundamentalism and separatism.

Hence this Bill.

AMAR SHANKAR SABLE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a national policy for the downtrodden backward and oppressed youth under which various facilities are to be provided to such youth. Clause 5 provides for employment opportunities and payment of unemployment allowance by the Government. Clause 7 makes it mandatory for the Central Government to provide requisite funds to carry out the provisions of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible at present to quantify the funds that may involve but it is estimated that a sum of rupees thirty thousand crore may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of rupees twenty thousand crore may also involve for creating assets and infrastructure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

DESH DEEPAK VERMA,
Secretary-General.